

Chapter 3

Contributions

This chapter begins with a definition of “contribution” and provides guidelines necessary to proper reporting, including a discussion on valuing nonmonetary contributions. Contributions to state candidates and committees are subject to the limits described in Chapter 1.

What Is a Contribution?

A “contribution” is a monetary or nonmonetary payment received by a candidate or committee for which the candidate or committee has not provided full and adequate consideration in return. A contribution may take any of the following forms:

- Money (cash, check, credit card, wire transfers);
- Nonmonetary items (donated goods or services, discounts);
- Payments made by a third party for advertising or other communications (see Chapter 4);
- Loans (including loan guarantees, co-signing, and lines of credit);
- Extensions of credit for goods or services;
- Money, nonmonetary items, and loans from the candidate to his or her own committee or from the candidate’s family; and
- Enforceable promises (for example, a contributor promises, in writing, to pay for specific goods or services and, based on that written promise, the committee expends funds or enters into a legally-enforceable contract to purchase the goods or services).

Each type of contribution is reported differently. In fact, **when** a contribution is received is determined in part by what type of contribution it is.

In general, a **monetary** contribution is received on the date that the candidate, committee, or an agent of the committee obtains possession or control of the cash, check, or other item that constitutes the contribution. (See Chapter 2 for detailed information about when a monetary contribution is received.)

Examples *John Burns, the campaign consultant for Friends of Joshua Truman, received a hand-delivered check at a May 14, Friday evening fundraiser for Friends. John did not give the check to the committee’s treasurer for deposit until the following Monday, May 17. The contribution was received on May 14, the day the committee’s agent obtained possession of the check.*

Friends of Joshua Truman also contracts with a website service to receive contributions over the Internet. The website service sends the committee’s treasurer an email each time a contributor logs on to the website service and enters his or her donor information and credit card number. Logging onto the website service, the treasurer can accept the contribution and receive the funds. The committee reports receipt of the contribution on the date it receives the email because it controls the contribution on that date.

A **nonmonetary** contribution is received on the **earliest** of the following:

- The date funds were expended by the contributor for the goods or services;
- The date the candidate, committee, or an agent of the committee obtained possession or control of the goods or services; or
- The date the candidate or committee received the benefit of the expenditure.

An **enforceable promise** is received on the date the candidate, committee, or an agent of the committee receives documents verifying that a contributor has made a legally enforceable promise to pay for goods or services. A pledge card is not considered an enforceable promise to make a contribution. “Enforceable promise” also does not include a contributor’s agreement to make future installment payments through wire transfer, credit card transaction, debit account transaction or similar electronic payment.

When an agent of the committee, such as a campaign consultant, receives a contribution for the committee, the treasurer must be notified by the agent no later than the closing date of the next campaign statement due.

An **extension of credit** is a contribution when there is an agreement between the provider of goods or services and a state candidate or his or her controlled committee that payment for goods or services provided to the candidate or committee will be made at a later date. (Also see Chapter 7 for reporting extensions of credit that were previously reported on Schedule F as accrued expenses.) An extension of credit does not become a contribution if the candidate or committee pays for the goods or services on or before the earlier of:

- 45 days after the date of the invoice; or
- 45 days from the date the goods or services are delivered; or
- For ongoing services, 45 days after the date of the invoice as long as the services are billed no less frequently than on a three-month billing cycle.

If the candidate or committee does not pay for the goods or services within 45 days as described above, an extension of credit does not become a contribution if **all** of the following requirements are met:

- The credit arrangement is recorded in writing;
- It is the regular business of the provider of the goods or services to provide similar goods or services;
- The goods and services are provided in the ordinary course of business and on the same terms and conditions offered to customers generally;
- The provider enters into the agreement with the intent that the candidate or committee will pay in accordance with the terms of the written agreement and the provider does not know that the candidate or committee would not be able to pay; and
- The provider makes reasonable efforts to collect the full amount of the payment within four months of the date that the payment is due under the terms of the written agreement.

(Example) *Katz Construction, Inc., has agreed to let Assembly candidate Evelyn Michaels use some empty offices in its building for her campaign headquarters. The company does not normally rent space in its building, but they have estimated the fair market value of the space rental at \$1,000 per month. The company and the candidate have a written agreement stating that the rent is due on the first of each month. Because Katz Construction does not provide rental office space in the normal course of its regular business, if Michaels does not pay each month’s rent within 45 days of the first of the month, the \$1,000 will become a nonmonetary contribution to her campaign on the 46th day and will be reportable on Schedule C of Form 460 and subject to contribution limits.*

Exceptions

There are many exceptions to the definition of “contribution.” Exceptions for certain types of political communications are also discussed in detail in Chapter 4. Some of the most common exceptions include:

Volunteer Personal Services: If an individual donates his or her personal or professional services to a campaign, no contribution has been made or received. However, if an employer donates employee services to a campaign, and any employee spends more than 10% of his or her compensated time in a calendar month providing the services, the employer has made a nonmonetary contribution to the committee.

Home/Office Fundraisers: If someone holds a fundraiser or other campaign event in his or her home or office, the costs incurred by the occupant of the home or office need not be reported as long as the total cost of the event is \$500 or less. However, if someone else donates food, beverages, or anything else of value to the event, the fair market value of those donated goods is a nonmonetary contribution. In addition, the donated goods must be counted to determine whether the total cost of the event is \$500 or less.

Examples *Jaleel Baker holds a fundraiser in his home for your committee. He spends \$250 on decorations, food, and drinks for the event. His neighbor, Sheila Mkemo, brings some door prizes with a fair market value of \$50. Since the total cost of the event is under \$500, Jaleel’s \$250 is not reportable. However, since Sheila is not the occupant of the home, her nonmonetary contribution of \$50 is reportable, although not itemized.*

Shannon Priestly sponsors an event for your committee after work in her business’ downtown office. Shannon spends \$450 to

have the event catered. Jason Cameron, who works in the building next door, supplies a flower centerpiece worth \$75. Since the total cost of the event exceeds \$500, both Shannon’s contribution of \$450 and Jason’s \$75 flower arrangement are reportable by your committee.

Member Communications: Payments made by an organization (including a political party) for certain communications that are sent only to the organization’s members, employees, or shareholders, or their families, are not contributions to a candidate endorsed in the communications. (See Chapter 4.)

Restrictions on Contributions

There are contribution limits for state candidates and committees that make contributions to state candidates. (See Chapter 1.) In addition, there are other restrictions on receiving contributions applicable to all committees. For example, contributions of \$100 or more must be made by written instrument and may not be made or received in cash. (See Chapter 10.) In addition, contributions of \$100 or more must be returned if the contributor’s name, address, occupation, and employer are not obtained within 60 days of receipt of the contribution. (See Chapter 2.)

Receiving Contributions

Aggregating Contributions


Contributions received from certain combinations of individuals and entities must be added together to determine the total amount that will be treated as received from a single contributor. These rules apply for purposes of the contribution limits and reporting.

The following are aggregated:

- Contributions from the personal funds of an individual and contributions made by

an entity when the same individual directs and controls the entity's contributions.

- Contributions from two or more entities if a majority of the same persons directs and controls the contributions of each entity.
- Contributions made by entities that are majority owned by any person with the contributions of the majority owner and all other entities majority owned by that person, unless those entities act independently in their decisions to make contributions.

 **The term “person” includes an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, and association.**

The following are basic examples to provide general guidance regarding aggregation of contributions. Every case is unique and if these examples are not helpful, contact the FPPC for advice.

(Examples) *Sally Perez contributed \$98 from her personal funds and another \$98 from the funds of her wholly-owned business, Flowers by Sally Perez, to the Anderson Committee. Because contributions from an individual and his or her business, or from any other account he or she directs and controls, are considered to be from a single contributor, the Anderson Committee must itemize both contributions and report a cumulative amount received from Sally and her business of \$196 on its committee campaign statement.*

EXtreame Snowboards, Inc., made a contribution of \$250 to the Johnson Committee. EXtreame Snowboards, Inc., is a wholly-owned subsidiary of LeesureTech Industries, which also made a contribution of \$250 to the Johnson Committee. If there was coordination between EXtreame Snowboards and LeesureTech Industries,

their contributions are considered to be from a single contributor. The Johnson Committee must itemize both contributions and report a cumulative amount received of \$500 on its campaign statement.

William Smith is a developer with four separate corporations. William makes political contributions from his personal funds and directs and controls the contributions of each of his corporations. William made a contribution of \$1,600 from his personal funds and contributions of \$2,000 from the funds of one of his corporations to the Perez for Assembly Committee for the 2008 primary election. The committee may not receive any additional contributions from Smith or his corporations for the primary election.

Southwest TeleCom has a greater than 50% ownership interest in American TeleCom. Each entity, entirely on its own and with separate decisionmaking bodies, makes a contribution of \$1,000 to Senator Yadon. The senator does not aggregate these contributions because Southwest TeleCom and American TeleCom acted completely independently in their decisions to make the contributions.

Also see Chapter 7 for information on reporting aggregated contributions received from major donor committees.

Credit Card, Electronic, and Other Types of Contributions

Contributions may be received by credit card, wire transfer, debit account transaction, or similar electronic payment options (including contributions received via the Internet or telephone). All of the reporting and recordkeeping requirements apply to these contributions. (See Chapter 2.) Some tips are:

- For contributions of \$25 or more, the committee treasurer should make sure

that a copy of the credit card voucher or other documentation is sent to the committee as soon as practicable after the contributions are made.

- The entire amount charged to the contributor is reported as a contribution.
- Fees associated with this type of fundraising, or deducted by the vendor before the contributions are sent to the committee, are reported as expenditures; the fees are not deducted from the amount of each contribution reported.

Fundraisers

The full amount (face value) of a fundraiser ticket is a reportable contribution.

Example *Your committee holds a fundraiser and charges \$100 per person. After the event, you determine that it cost your committee \$25 per person to pay the caterer, hall rental, entertainment, invitations, etc. Report on Schedule A of the Form 460 each contributor's name, address, occupation, and employer and the full \$100 per ticket contribution. Do not subtract \$25 from each ticket sold.*

Auctions and Garage Sales: When items are donated for auction or sale at a fundraiser, the donated item is a nonmonetary contribution. (See below for determining the value.) When someone buys an item, the payment is usually considered a "Miscellaneous Increase to Cash" and is reported as such. (See Chapter 7.) If any one person or entity pays \$100 or more, the payment is itemized.

However, when someone pays more for an item than it is worth, the amount that is equal to the fair market value is reported as a miscellaneous increase to cash and the amount over the fair market value as a monetary contribution. Each is itemized at \$100.

Example *Andy Foster owns an electronics store and donates a TV worth \$500 to your committee. At your committee's auction, Gloria Fernandes bids \$600 for the TV. Itemize \$500 as a nonmonetary contribution from Andy's store. Then, itemize \$500, that part of Gloria's payment which is the fair market value of the TV, as a miscellaneous increase to cash. Also itemize \$100, the amount over the fair market value, as a monetary contribution from Gloria.*

Bar Receipts: Funds received by selling drinks at a fundraiser at fair market value are reported as miscellaneous increases to cash, not contributions.

Raffle Tickets: Receipts from the sale of raffle tickets at a fundraiser are reported as contributions. Items donated for raffle prizes are reported as nonmonetary contributions. (Note that Penal Code Section 319 imposes some restrictions on raffles.)

Intermediary

An intermediary is a person or entity that makes a contribution on behalf of another person and has been or will be reimbursed for the contribution. For each contribution of \$100 or more from an intermediary, the name, address, and, if applicable, the occupation/employer information must be disclosed for both the true source of the contribution and the intermediary.

Examples *Berry Barr and Vienna Waltz each made a \$100 contribution from their personal funds to support Tina Baker for State Treasurer, with the understanding that they would be reimbursed by their employer, the Music Company. Berry and Vienna must tell the committee that they are acting as intermediaries on behalf of their employer, the Music Company. Tina's campaign statement must show the \$200 contribution from the Music*

Company, and also Berry Barr and Vienna Waltz as intermediaries of \$100 each.

The Playa del Sol Stockbrokers Emporium requested its employees to attend a fundraiser for Megan Waters, a candidate for Assembly, with the intent of reimbursing the employees for their contributions. The employees informed Megan that their contributions would be reimbursed by the Emporium. When the committee's treasurer completed the committee's Form 460, he reported the total of the contributions coming from Playa del Sol Stockbrokers Emporium and reported those employees who contributed \$100 or more as intermediaries for the Emporium.

A corporation has asked its employees to make personal contributions to Friends of Joshua Monet, a candidate's committee, with the intent of reimbursing its employees for the contributions they make. Neither the employees nor the corporation inform the committee that the employees will be reimbursed. The corporation and the employees have violated the Act.

Candidates and committees are required to check and, if necessary, correct any information regarding the true source of a contribution that a person of reasonable prudence would question based on all of the surrounding circumstances. If there is reason to question the source of a contribution, i.e., if there is reason to believe the information contained on the contribution check does not contain the name of the person who is actually making the contribution, the donor should be asked if he or she is acting as an intermediary for the true source of the contribution.

Joint Checking Accounts and Business Accounts

Individuals (including spouses) may make separate contributions from a joint checking account. For reporting purposes, the full

amount of the contribution is reported as coming from the individual who signs the check. If two or more individuals sign the check, the contribution is divided equally between or among the signers, unless there is an accompanying document signed by each individual whose name is printed on the check which clearly indicates a different apportionment.

Example *Linda and Jerry Nelson have a joint checking account. From this account, Linda signed a \$100 check payable to Friends of Joshua Truman. The committee identifies Linda Nelson as the contributor of the full \$100.*

A check drawn on a joint checking account that is signed by an individual not listed on the check (e.g., an accountant) must be accompanied by a document signed by at least one of the individuals listed on the check stating to whom the check is to be attributed.

Generally, if a check is drawn on the account of a business entity, the contributor is the business entity, not the person who signs the check.

Minor Children

A contribution made by a child under the age of 18 is presumed to be a contribution from his or her parent or guardian, unless the facts show otherwise, e.g., that the child actually chose to make the contribution.

Transfers and Carryover from a Prior Campaign

A state candidate may carry over funds from one election to the next election for the same office, and may transfer funds from one controlled committee to another committee for a different office, subject to certain restrictions. (See Chapter 1.)

Contributions from Other Candidates

Candidates and committees may receive contributions, within the applicable contribution limits, from other candidates or officeholders. (See Chapter 1 for detailed information about contribution limits.)

Undesignated Contributions

Candidates who are soliciting contributions for more than one office and receive a contribution that has not been designated for a specific office may deposit the contribution in any of their campaign bank accounts.

Undesignated monetary contributions should be deposited in a campaign bank account within 30 days of receipt. Nonmonetary contributions should be allocated to a particular committee within 30 days of receipt or by the deadline for the reporting period in which the nonmonetary contribution is received, whichever is earlier.

\$5,000 Notification to Potential “Major Donors”

Candidates and committees that receive one or more contributions totaling \$5,000 or more in a calendar year from an individual or entity that made the contribution(s) from personal, business, or corporate funds must send the contributor written notice that they may need to file a campaign statement if their contributions to state and local candidates and committees (including legal defense fund and officeholder committees) total \$10,000 or more in a calendar year. The notice may be tailored as long as it contains language substantially similar to the language below:

If your contribution(s) to this committee and to other California state or local committees total(s) \$10,000 or more in a calendar year, California law requires you to file a Major Donor Committee Campaign Statement (Form 461). The deadline and location for filing this statement will depend upon the timing and type of contribution(s) you have

made. In addition, once you become a major donor, you are required to file a late contribution report within 24 hours if you make contributions totaling \$1,000 or more to a single candidate, his or her controlled committee, or to a committee primarily formed to support or oppose a candidate or ballot measure during the 16 days before the election in which the candidate or measure is being voted upon or make contributions totaling \$1,000 or more to a state or county political party committee during the 16 days prior to a state election.

Failure to file campaign statements may result in late filing penalties (\$10/day) and fines (up to \$5,000/violation). For more information, contact the Fair Political Practices Commission toll free at (866) 275-3772 or refer to its website: www.fppc.ca.gov.

Additionally, if you make contributions of \$50,000 or more in a calendar year in California and some or all of those contributions are to state candidates, committees, or ballot measures, you are required to file your Form 461 electronically with the Secretary of State. For more information on the electronic filing requirements, contact the Secretary of State's Office at (916) 653-6224.

The notice is not required if the source of the contribution is an existing committee, because it already is required to file campaign statements.

The notice must be sent, faxed, or emailed to the contributor within two weeks of receipt of the \$5,000 contribution(s). No further notices are required for subsequent contributions received from the same contributor within the same calendar year.

A copy of each notice or a record of all notices showing the date sent, faxed, or emailed, and the name and address of the person receiving the notice must be retained.

Valuing Nonmonetary Contributions

This section provides assistance in determining how to value nonmonetary contributions so that they may be reported accurately. The varieties of nonmonetary contributions are vast, so not all possibilities are presented. Contact the FPPC for assistance.

Fair Market Value

When a nonmonetary contribution is received, the fair market value of the goods or service must be reported.

Example *The owner of an audio-visual store donates a television set worth \$500 to your committee for sale at an auction. Although the set costs the store owner less than \$500, the **fair market value of the television (the amount it would cost any member of the public to purchase the set from the store)** is \$500. Therefore, the nonmonetary contribution from the store owner is \$500.*

If a business donates the use of an employee to work on a campaign, the amount the individual is paid for working on the campaign is reportable only if the employee spends more than 10% of his or her compensated time in a calendar month working on the campaign.

Example *An accounting firm provides your committee with the services of an accountant during the last month of the campaign. The accountant spends 25% of her time working for the campaign, for which her gross compensation from the accounting firm is \$2,500. The amount of the contribution from the accounting firm is \$2,500.*

If a committee receives discounts on goods or services it purchases and the discounts are not offered to the public in the regular course of business, the discount is a nonmonetary contribution which must be reported.

Example *Your committee treasurer knows the owner of Janns' Printing Shop and gets the owner to give your committee a 50% discount on the printing of a brochure that normally would cost \$1,200. Your committee has received a nonmonetary contribution of \$600 from Janns' Printing Shop.*

Volunteer personal services are not considered to be a nonmonetary contribution.

Example *The owner of Janns' Printing Shop volunteers her time to print fundraiser invitations for your committee. Your committee must report the fair market value of the materials, but need not include any of the shop owner's time in determining the amount of the nonmonetary contribution.*

If the committee does not know the fair market value of a nonmonetary contribution, such as an original piece of artwork, the committee may send a letter requesting that the contributor provide the value of the contribution in writing. The contributor is legally obligated to provide an amount if the value of the contribution is \$100 or more.

Mailings

Generally, the fair market value of a mailing is reported as a contribution when the mailing expressly advocates support of or opposition to a candidate **and** was made at the behest of the affected candidate.

Example *The Treetop Paper Company produces and sends a mailing to support your committee. Although the company receives paper at a discounted rate, report the receipt of a nonmonetary contribution in the amount it would have cost you had you paid fair market value for the mailing.*

Multiple Candidates and Measures: If a mailer expresses support of or opposition to more than one candidate or ballot measure, the fair market value attributable to each may

be calculated by prorating the costs among the featured candidates and ballot measures. The prorated value is based on the amount of space allotted to each candidate or measure supported or opposed in the mailer.

Example *The Weston Chamber of Commerce produces and mails a one-page flyer urging voters to vote for gubernatorial candidate Stan Smith and against two ballot measures. Half of the flyer is devoted to supporting Smith and the other half equally opposes the measures. The Chamber coordinates the mailing with candidate Smith, but does not coordinate with any committee set up to oppose the two measures. The total cost of producing and mailing the flyer is \$14,000. Smith has received a nonmonetary contribution valued at \$7,000, and the Chamber has made independent expenditures of \$3,500 apiece opposing the two ballot measures.*

The value of a mailer that supports or opposes candidates and measures being voted on in different jurisdictions may be prorated based on the number of mailers sent to each candidate or ballot measure's jurisdiction.

Political and Non-Political Material: The cost of a mailing containing both express advocacy in support of or opposition to a candidate and other nonpolitical material can be prorated. Costs directly associated with the political message are reportable by the candidate, including, for example, compensation paid to employees who spend more than 10% of their compensated time in a calendar month producing or mailing the political materials, and the pro rata cost of paper, envelopes, and postage. The allocation may be based on the additional weight of the political material or the comparative number of pages as between the political and non-political material.

Member Communications: Payments made by an organization or its sponsored committee for a communication that supports or opposes a candidate are not contributions or expenditures as long as the communication is made only to the organization's members, employees, or shareholders, or the families of its members, employees, or shareholders. The communication may not be for general public advertising, such as billboards, newspaper ads, or radio or television ads. (See Chapter 4.)

Bulk Rate Permits: Use of an organization's bulk rate permit is a nonmonetary contribution from the organization. If the committee pays the actual postage costs incurred under the bulk rate permit, the fair market value of the contribution is either:

- The price the organization paid for the bulk mailing permit; or
- The difference in postage costs between the bulk mailing rate and that of regular mail.

If the organization pays for the costs of the mailing using its bulk rate permit, and the committee does not have such a permit, the value of the contribution is (1) the amount it would have cost to pay for the mailing using regular mail; or (2) the cost of the bulk rate mailing plus the cost of a permit.

Phone Banks

Businesses and other entities will sometimes allow a campaign committee to use their phones to call prospective voters during non-business hours. The fair market value of the use of the phones is calculated to determine the amount reported as a nonmonetary contribution, even if only local calls are made. One method to determine the fair market value is to contact organizations that provide phone banks as a business.

Polls and Surveys

A person or entity that provides data from a public opinion poll or survey to a candidate or committee is making a nonmonetary contribution if the candidate or committee requests the data or the data are used for political purposes. FPPC staff has advised that a formula utilized by the Federal Election Commission may be used for valuing polling or survey data, as long as the formula is used in a reasonable manner to provide a fair estimate. The formula calculates the value based on the age of the data. The chart below illustrates the fair market value of data based on the number of days that pass from the date the entity originally received the data to the date the data were provided to the candidate or committee.

Age of Data	Value
0 - 15 days	Full Value
16 - 60 days	50%
61 - 180 days	5%
More than 180 days	No Value

When only a portion of a survey is provided to or for the benefit of a candidate, the nonmonetary contribution is the prorated portion of the total value of the survey.

Example *The Chewing Gum Association PAC commissioned a public opinion poll to determine voters' attitudes about candidates running for Governor, candidates in a Senate district, and a city ballot measure. The PAC provided the poll results to the candidate they supported for Governor, those in certain Senate districts, and to the committee supporting the city ballot measure. Since only a portion of the data pertained to the Senate and city ballot measure elections, these candidates and the ballot measure committee reported a prorated amount when disclosing the nonmonetary contributions received.*

Answering Your Questions

- Q. *We are holding a \$100-a-plate fundraiser for our committee. The actual cost of the event to our committee will be \$25 per person. When someone gives us \$100 to attend the dinner, do we report \$100 as a contribution, or do we subtract the \$25 cost and report receiving a \$75 contribution?*
- A. The cost of the ticket for the fundraiser is the amount of the contribution. Report \$100 as the contribution.
- Q. *When we send out a fundraising letter, are we required to put our committee identification number on the invitation?*
- A. There is no requirement to put the identification number anywhere on the mailer. However, many campaigns do so because if other committees, or others with their own reporting obligations, contribute to your committee, they will need your identification number to complete their campaign reports.
- Q. *We would like to hold a raffle at our next fundraiser. Are there any restrictions on raffles?*
- A. The Political Reform Act does not restrict raffles. However, Penal Code 319 does prohibit some raffles. This code is interpreted and enforced by each county's district attorney. Contact the local district attorney where the raffle will be held for further information. Of course, be sure all of the reporting and recordkeeping requirements are met.
- Q. *If Jan, my next door neighbor, spends \$1,000 on an event to help raise funds for two different candidates and the event is held in her home, has she made a contribution to each committee?*
- A. Yes. The total cost of a home fundraiser must be \$500 or less, or the event will qualify as a nonmonetary contribution.

This is true no matter how many committees benefit from the event.

- Q. *May a non-profit organization hold a joint fundraiser with a political committee?*
- A. Yes. However, any costs incurred by the non-profit organization which are not reimbursed by the political committee would be considered to be a nonmonetary contribution from the non-profit to the political committee. The non-profit organization should contact the IRS for any possible restrictions based upon the organization's tax status.
- Q. *Three candidates wish to conduct individual polls. A polling firm has offered a reduced rate because all three polls can be combined using one very large sample. Are the candidates receiving contributions from the polling firm because of the discounted fee, and are the candidates making contributions to each other?*
- A. To the extent each candidate pays only his or her share of the cost of the poll, the candidates are not making contributions to each other. Additionally, if the polling firm provides the discount as part of its standard business policy of providing discounts in similar situations and does not provide the discount for political purposes, the candidates will not receive a contribution from the polling firm.

Returning Contributions

There are several provisions in the Act and FPPC regulations that regulate the return of contributions.

Reporting: A contribution is not required to be reported if it is not deposited, cashed, or negotiated and it is returned to the contributor before the closing date of the campaign statement on which it would otherwise be reported.

A "late contribution" (a contribution of \$1,000 or more received during the last 16 days

before an election) is not required to be reported if it is not deposited, cashed, or negotiated and it is returned within 24 hours of receipt. Once a contribution is deposited, cashed, or negotiated, it must be disclosed on the next campaign statement, even if it is subsequently returned. (See Chapter 7 for detailed information on reporting returned contributions.)

Contributions in Excess of the Contribution Limits: A monetary contribution that exceeds the contribution limits on its face, or when aggregated with other contributions from the contributor, may not be deposited, cashed, or negotiated and must be returned to the donor within 14 days of receipt. In the case of a nonmonetary contribution, the contribution must be returned or a monetary refund must be given to the contributor within 14 days of receipt.

Missing Contributor Information: A contribution of \$100 or more must be returned within 60 days of receipt if the candidate or committee has not obtained the contributor's name, address, and in the case of a contributor who is an individual, his or her occupation and employer. (See Chapter 2.)

Defeated Candidates: If a state candidate is defeated in a primary election or withdraws from the general election, general election funds must be refunded to contributors on a pro rata basis, less any expenses associated with raising and administering the funds, and any general election expenses that were paid prior to the primary election or the candidate's withdrawal (e.g., media purchases).

General Rule: A state candidate may return all or a part of a contribution at any time. "Surplus funds" also may be returned to contributors. (See Chapter 10.) However, contributions, other than loans, made by a state candidate to his or her own campaign may not be returned.

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

- 82015 *Contribution.*
- 82025.5 *Fair Market Value.*
- 82018 *Cumulative Amount.*
- 82047 *Person.*
- 84105 *Notification of Contributors.*
- 84211 *Contents of Campaign Statements.*
- 84300 *Cash and In-Kind Contributions; Cash Expenditures.*
- 84302 *Contributions by Intermediary or Agent.*
- 84306 *Contributions Received by Agents of Candidates and Committees.*
- 85301 *Limits on Contributions from Persons.*
- 85308 *Family Contributions.*
- 85311 *Affiliated Entities; Aggregation of Contributions to State Candidates.*
- 85312 *Communications to Members of an Organization.*
- 85319 *Returning Contributions.*
- 85700 *Donor Information Requirements; Return of Contributions.*

Title 2 Regulations

- 18215 *Contribution.*
- 18216 *Enforceable Promise to Make a Payment.*
- 18421.1 *Disclosure of the Making and Receipt of Contributions.*
- 18421.3 *Reporting of Contributions and Expenditures Collected by Contract Vendors or Collecting Agents.*
- 18423 *Payments for Personal Services as Contributions and Expenditures.*
- 18427.1 *Notification to Contributors of \$5,000 or More.*
- 18428 *Reporting of Contributions and Independent Expenditures Required to be Aggregated.*
- 18432.5 *Intermediary.*

- 18523 *Nondesignated Contributions or Loans.*
- 18530.7 *Extensions of Credit.*
- 18531 *Return of Excessive Contributions.*
- 18531.2 *Refunding General Election Contributions.*
- 18531.7 *Payments for Communications—Section 85312.*
- 18533 *Contributions from Joint Checking Accounts.*